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GUSTAVE H. NEWMAN (1927-2017)

March 9, 2023

BY ECF

Hon. Jennifer H. Rearden
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

MEMORANDUM ENDORSED

Re: *United States v. Martin Handler, et al., 23-cr-004 (JHR)*
(Application to Temporarily Modify Bail Conditions)

Dear Judge Rearden:

This firm represents Menachem Lieberman, one of the defendants in the above-referenced matter. I am writing to request that the Court modify Mr. Lieberman's conditions of release in order to facilitate his wife Bella's travel to Montreal from Sunday, March 12, 2023, to Monday, March 13, 2023, to attend the Bar Mitzvah of her nephew (her sister's son). While in Montreal, Bella will be staying at her parent's home located at 5614 Hutchison, Montreal Quebec, H2V 4B5. As part of the bail package in this case, and because Mr. Lieberman is a dual US/Candian citizen, both Mr. Lieberman and Bella (and their four minor children) surrendered their passports. Mr. Lieberman's bail is also secured by a confession of judgment on his home and by two sureties.

To facilitate Bella's trip to Canada, we are requesting that her passport be briefly returned to her. In our view, the fact that Mr. Lieberman and his four minor children have surrendered their passports and are staying behind in the United States obviates any potential flight concerns. Pre-Trial Services does not object to this request. The government has informed me that it takes no position with respect to this request.

Courts in this district have even permitted indicted defendants to travel internationally at times with their spouse. *See, e.g., United States v. Kubitschuk*, 16-cr-711 (KBW), Doc#37 (permitting travel to Austria and Slovakia to participate in the "yarzheit" (death anniversary) of Rabbi Yehuda Assad); *United States v. Smilovitz*, 16-cr-818 (VB), Doc#144 (permitting travel to Uman, Ukraine to make the pilgrimage to the grave of Rabbi Nachman of Breslov for Rosh

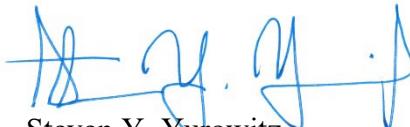
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Hashana); *United States v. Galanis*, 16-cr-371 (RA), Doc#62 (S.D.N.Y.) (permitting defendant, over government objection, to travel to Latvia with his wife for business purposes); *United States v Rimberg*, 15-cr-835 (JGK), Doc#68 (S.D.N.Y.) (permitting defendant to travel after guilty plea along with his wife to Israel for business and to France for Passover). Here, Mr. Lieberman will not even be traveling with his wife and neither will the couple's minor children. As a result, there is no reason to be concerned about a risk of flight.

Accordingly, we respectfully request that the Court modify Mr. Lieberman's conditions of release to permit the temporary return of his wife Bella's passport, which will be returned to Pre-Trial Services within 48 hours of her return back to New York.

Respectfully submitted,



Steven Y. Yurowitz

cc: AUSA Daniel Wolf (by ECF)
PTS Officer (by email)

No objection having been made by the
Government or Pretrial Services, the application is
granted.

So Ordered.



GABRIEL W. GORENSTEIN
United States Magistrate Judge

March 10, 2023